



Convention on the
Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Nineteenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the
Rights of the Child: Ecuador

1. The Committee considered the initial report of Ecuador (CRC/C/3/Add.44) at its 479th to 481st meetings (see CRC/C/SR.479-481), held on 22 and 23 September 1998, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial report of the State party. Though the report was constructive and comprehensive, the Committee regrets that it did not strictly follow the guidelines. The Committee also takes note of the written replies to the list of issues (CRC/C/Q/ECU/1) and the additional information provided to it in the course of the dialogue, which enabled it to assess the situation of the rights of the child in the State party. The Committee welcomes the frank, self-critical and cooperative tone of the dialogue the State party's delegation undertook with the Committee. However, it regrets the absence of a delegation from the capital, directly involved in the implementation of the Convention in the State party.

B. Positive aspects

3. The Committee welcomes the recent adoption by the State party of a National Plan for Human Rights (March 1998) and welcomes the expanded provisions for the protection of human rights, including the promotion and protection of the rights of the child.

* At the 505th meeting, held on 9 October 1998.

4. The Committee notes with appreciation the enactment of the new Constitution (August 1998), which includes provisions for the promotion and protection of human rights, including the rights of the child.

5. The Committee welcomes the measures taken by the State party to include the teaching of the Convention in the school curricula and for the establishment of bilingual education programmes for indigenous children.

6. The Committee notes with appreciation the establishment of the "Alcaldes Defensores de los Niños" programme (City Mayors for the Defence of Children).

7. The Committee welcomes the implementation of international cooperation programmes to facilitate the full implementation of the Convention on the Rights of the Child, especially in the field of human rights training. Additionally, it welcomes the willingness of the State party to engage in further technical cooperation in the field of the right to development.

8. The Committee also welcomes the accession (1995) of the State party to the Hague Convention of 1993 on the Protection of Children and Cooperation in Respect of Intercountry Adoption and to ILO Convention No. 169 concerning Indigenous and Tribal Peoples.

C. Factors and difficulties impeding the implementation of the Convention

9. The Committee notes that natural disasters, in particular the climatological phenomenon known as "El Niño", have had a negative impact on the most vulnerable sectors of the population, including children, especially owing to the damage caused in the agriculture sector and to infrastructure.

10. The Committee also notes the negative impact on children of economic factors such as structural adjustment and external debt.

11. The Committee notes that widespread poverty, longstanding socio-economic disparities and uneven land distribution within the State party affect the most vulnerable groups, including children, and hamper the enjoyment of the rights of the child in the State party.

D. Principal subjects of concern and Committee recommendations

12. While the Committee notes the enactment of the Children's Code (1992) and of the recent constitutional reform, it remains concerned that disparities still exist between the principles and provisions of the Convention and domestic legislation. The Committee recommends the State party take all appropriate measures to facilitate the process of full harmonization of domestic legislation with the principles and provisions of the Convention, especially taking into account the holistic nature of this treaty.

13. The Committee expresses its concern at the lack of adequate coordination between various governmental entities dealing with children issues, both at the national and local levels. The Committee recommends that the State party take further steps to reinforce, within the framework of the National Plan for

Human Rights, the existing coordinating mechanisms (for example, the National Commission for Children (CONAME)), including at the municipal level, in order to strengthen coordination between the various governmental bodies involved in children's rights. Greater efforts should be made to ensure closer cooperation with non-governmental organizations working in the field of human rights, in particular the rights of the child.

14. The Committee is concerned about the absence of an adequate, systematic, comprehensive and disaggregated data collection mechanism, for all areas covered by the Convention, especially addressing the most vulnerable groups of children, including children born out of wedlock, children belonging to indigenous groups, Afro-Ecuadorian children, children living in institutional care, children living and/or working on the streets, girl children and children living in rural areas. It recommends that the State party develop a comprehensive system for collecting disaggregated data, in order to gather all necessary information on the situation of children in the various areas covered by the Convention, including children belonging to vulnerable groups, as a basis for assessing progress achieved in the realization of children's rights and to help design policies for better implementation of the provisions of the Convention. The Committee encourages the State party to consider seeking international cooperation to this effect from, inter alia, UNICEF.

15. The Committee expresses its concern regarding recent budget cuts which have had a negative impact on the provision of social programmes, especially those relating to children. The Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention and to ensure the appropriate distribution of resources at the local and central levels. Budgetary allocations for the implementation of economic, social and cultural rights should be ensured to the maximum extent of available resources and, where needed, within the framework of international cooperation, as well as in the light of the principles of non-discrimination and the best interests of the child (arts. 2 and 3 of the Convention). The Committee also recommends that the State party take all available measures for the full implementation and systematic monitoring of the National Plan of Action for Children.

16. While recognizing the efforts of the State party to disseminate the Convention and to train professionals working for and with children on the provisions and principles of the Convention, as well as to translate the Convention into the Quechua and Shuar languages, the Committee is of the view that these measures need to be reinforced. The Committee also remains concerned at the lack of adequate and systematic training for professional groups working with and for children. It encourages the State party to strengthen its efforts to disseminate the principles and provisions of the Convention as a measure to sensitize society about children's rights. Furthermore, training on the Convention should be conducted for professional groups, such as judges, lawyers, law enforcement and army officials, civil servants, teachers, personnel working in institutions and places of detention for children, health personnel, including psychologists, and social workers. Dissemination of the provisions and principles of the Convention to non-governmental organizations, the mass media and the public at large including children themselves should be enhanced.

17. With regard to the implementation of article 1 and related articles of the Convention regarding the definition of the child, the Committee is concerned about the disparities existing in domestic legislation. The Committee is also concerned at the use of the biological criterion of puberty to set different ages of maturity for boys and girls. This practice is contrary to the principles and provisions of the Convention and constitutes a form of gender-based discrimination which affects the enjoyment of all rights. The Committee recommends that the State party review its domestic legislation to ensure full conformity with the principles and provisions of the Convention.

18. While acknowledging the measures taken by the State party, the Committee is still concerned at the predominance of discrimination on the basis of ethnic origin, gender, social status and disabilities. The Committee expresses its concern at the increasing disparities between rural and urban areas, as well as at the growing number of the population living in urban poor and marginalized areas. In the light of the general principle of non-discrimination (art. 2 of the Convention), the Committee recommends that the State party continue taking all available measures to reduce economic and social disparities, including those between rural and urban areas. Measures to prevent discrimination against the most disadvantaged groups of children, including children belonging to indigenous communities, Afro-Ecuadorian children, girl children, children with disabilities, children born out of wedlock, children in institutional care, and children living and/or working on the streets should be reinforced.

19. The Committee is concerned that the general principles of the best interests of the child (art. 3) and respect for the views of the child (art. 12) are not fully applied and duly integrated into the policies and programmes of the State party. The Committee recommends that further efforts be made to ensure that domestic laws take fully into account the principles of the best interests of the child and respect for the views of the child, and his or her right to participate in the family, at school, in other institutions and in society in general. These principles should also be reflected in all policies, administrative decisions and programmes relating to children.

20. While the Committee takes note of the measures taken by the State party in the area of birth registration, it remains concerned at the lack of awareness and understanding on registration procedures, especially in rural areas. In the light of article 7 of the Convention, the Committee recommends that the State party continue with its efforts to ensure the registration of all children immediately after birth. Furthermore, the Committee encourages the State party to ensure, in cooperation with non-governmental organizations and with the support of intergovernmental organizations, that birth registration procedures are widely known and understood by the population at large.

21. The Committee is deeply concerned at the information provided in the State party's report that "child abuse is a culturally accepted and justified practice". In this regard, it expresses its concern at the insufficient awareness regarding the harmful consequences of ill-treatment and abuse, including sexual abuse, both within and outside the family. Concern is also

expressed at the insufficient resources, both financial and human, as well as at the lack of adequately trained personnel to prevent and combat such abuse. The insufficiency of rehabilitation measures and facilities for such children and their limited access to justice are also matters of concern. In the light of, *inter alia*, articles 19 and 39 of the Convention, the Committee recommends that the State party take all appropriate steps, including setting up social programmes and introducing rehabilitation measures to prevent and combat child abuse and ill-treatment of children within the family, at school and in society at large. It suggests that law enforcement should be strengthened with respect to such crimes and that adequate procedures and mechanisms to deal with complaints of child abuse should be developed. Furthermore, educational programmes should be established to combat traditional attitudes within society regarding this issue. The Committee encourages the State party to consider seeking international cooperation to this effect from, *inter alia*, UNICEF and international non-governmental organizations.

22. While the Committee notes the State party's efforts to reduce the infant mortality rate and the under-five mortality rate, it is still concerned about the prevalence of malnutrition, high rates of maternal mortality and the limited access to health services in remote rural areas. It suggests that the State party allocate appropriate resources and consider seeking technical assistance, when needed, to reinforce its efforts to make basic health care accessible to all children. In particular, concerted efforts are required to combat malnutrition and ensure the adoption and implementation of a national nutritional policy for children. International cooperation for the establishment of programmes such as the WHO/UNICEF "Integrated Management of Childhood Illness" is recommended. In addition, the Committee recommends that breastfeeding be promoted in all health facilities and among the public at large.

23. With regard to adolescent health, the Committee is particularly concerned at the high and increasing rate of teenage pregnancy, the incidence of suicides by girls and insufficient access by teenagers to reproductive health education and counselling services, including outside of schools. The Committee is also concerned at the increasing rate of substance abuse. It suggests that a comprehensive and multidisciplinary study be undertaken on adolescent health problems as a basis for promoting adolescent health policies and strengthening reproductive health education and counselling services. The Committee also recommends that further efforts be undertaken to develop child-friendly counselling services, as well as care and rehabilitation facilities for adolescents. Measures to prevent and combat substance abuse among adolescents should be strengthened.

24. The Committee expresses its concern at the high incidence of environmental threats, including to the health of children, in particular in oil exploitation areas of the Amazonia region. In the light of article 24 (c) of the Convention, the Committee recommends that the State party take all appropriate measures, including seeking international cooperation, to prevent and combat the damaging effects of environmental degradation, including pollution, on children.

25. With regard to the implementation of article 27 of the Convention, the Committee is concerned about the widespread poverty and deteriorating living conditions affecting the majority of the population in the State party. It recommends that the State party take comprehensive measures to establish

poverty alleviation programmes with special emphasis on the access to health care and education of children, in particular the most vulnerable groups of children.

26. Although the Committee is aware of the State party's achievements in the field of education, it remains concerned at the high drop-out rate between primary and secondary school and the high repetition rate at both levels, at the gender disparities in secondary school enrolment and at disparities in access to education between rural and urban areas. It recommends that the State party strengthen its educational policies and system in order to reduce gender and geographical disparities and to establish retention programmes and vocational training for drop-out students.

27. Though the Committee is aware that the reform of the primary education curricula has included measures to fulfil the rights of the child to leisure and recreational and cultural activities, it remains concerned about the insufficiency of these measures, in particular for children living in urban-poor and rural areas. In the light of article 31 of the Convention, the Committee recommends that the State party strengthen its measures to improve children's access to leisure and to recreational and cultural activities, especially for the most vulnerable groups of children.

28. While the Committee acknowledges the State party's policies for the protection of refugees, it remains concerned at the lack of specific provisions in its domestic legislation concerning the rights of asylum seeking and refugee children and the right to family reunification. In the light of article 22 of the Convention, the Committee recommends that the State party undertake appropriate measures to adopt legislation to protect all the rights of asylum seeking and refugee children. Technical assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR) could be requested in this regard.

29. The Committee is concerned at the insufficient measures addressing the issues of child labour and economic exploitation, including domestic labour and sexual exploitation of children. In this regard, the lack of data and research is also a matter of concern to the Committee. The Committee is further concerned at the increasing number of children living and/or working on the streets, who require special attention because of the risks they are exposed to. The Committee recommends that the State party give specific attention to undertaking research on and monitoring the situation of children living and/or working on the streets and those involved in hazardous labour, including domestic service and prostitution. The Committee also recommends that the State party develop national policies on the prevention and the elimination of the most hazardous forms of child labour. The Committee suggests that the State party consider seeking technical assistance from ILO in this area. In addition, the Committee encourages the State party to consider ratifying ILO Convention No. 138 concerning minimum age for admission to employment.

30. While the Committee takes note of the State party's efforts to combat the trafficking and sale of children, it remains concerned about the lack of preventive measures in this area. Concerning the trafficking of boys and girls into neighbouring countries for work, including prostitution, the Committee recommends that measures be taken on an urgent basis, such as a comprehensive programme of prevention, including an awareness-raising campaign

and educational programmes, in particular in the rural areas and for concerned governmental officials, and of rehabilitation of the victims. Cooperation with neighbouring countries is strongly encouraged.

31. The Committee is concerned at the absence of data and of a comprehensive study on the issue of sexual commercial exploitation of children. In the light of article 34 and related articles of the Convention, the Committee recommends that the State party reinforce its legislative framework to protect children fully from all forms of sexual abuse or exploitation, including within the family. It also recommends that the State party engage in studies with a view to designing and implementing appropriate policies and measures, including care and rehabilitation, to prevent and combat this phenomenon. The Committee recommends that the State party continue implementing the recommendations formulated in the Agenda for Action adopted at the 1996 Stockholm World Congress against Commercial Sexual Exploitation of Children.

32. With regard to the juvenile justice system in the State party, the Committee is concerned about its full compatibility with articles 37, 39 and 40 of the Convention and with other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. In particular, the Committee is concerned that deprivation of liberty is not systematically used as a measure of last resort only, at the slow pace at which cases are processed, at the insufficient provision of legal aid for children and at the situation of children under seven years of age living in prisons with their parents. It recommends that the State party envisage undertaking further measures to ensure the full compatibility of the juvenile justice system with the Convention, especially articles 37, 39 and 40 and other relevant United Nations standards. Particular attention should be paid to ensuring that the deprivation of liberty is only used as a measure of last resort, that children have access to legal aid and that alternative care (for example, in foster families) should be provided for children living in prisons with one of their parents. Training programmes on the relevant international standards should be conducted for all professionals involved with the juvenile justice system. In this regard, the Committee further suggests that the State party consider seeking technical assistance from, *inter alia*, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF through the Coordination Panel on Juvenile Justice.

33. The Committee recommends that additional information, taking into account the concerns expressed during the dialogue held with the State party, be prepared and submitted to the Committee by April 1999.

34. Lastly, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that consideration be given to publishing the report, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate on and awareness of the Convention, its implementation and monitoring within the Government and the Parliament and among the general public, including concerned non-governmental organizations.



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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on
the Rights of the Child: Iraq

1. The Committee considered the initial report of Iraq (CRC/C/41/Add.3) at its 482nd to 484th meetings (CRC/C/SR.482-484), held on 23 and 24 September 1998, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report and the written replies to its list of issues (CRC/C/Q/IRAQ/1). It nevertheless regrets that the report did not follow the guidelines established by the Committee. The Committee notes the constructive dialogue it had with the delegation of the State party and the replies it received from the delegation during the discussion.

B. Positive aspects

3. The Committee takes note of the fact that the Convention is self-executing within the State party and that its provisions may be invoked before the courts.

* At the 505th meeting, held on 9 October 1998.

4. The Committee takes note of the development of a National Plan of Action for Children and welcomes the programme for reproductive health implemented by the Association for Family Planning and the Ministry of Health, as well as the Mother and Child Unit established within the Central Statistical Office. The Committee also welcomes the introduction of compulsory education and the development of a programme to combat illiteracy within the State party.

C. Factors and difficulties impeding the implementation of the Convention

5. In the light of General Comment No. 8 adopted by the Committee on Economic, Social and Cultural Rights (1997) and Decision 1998/114 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Committee notes that the embargo imposed by the Security Council has adversely affected the economy and many aspects of daily life, thereby impeding the full enjoyment by the State party's population, particularly children, of their rights to survival, health and education. The Committee also notes that the northern territory is currently not administered by the State party authorities; consequently, the lack of information relevant to the implementation of the Convention on the Rights of the Child in that area is a matter of concern to the Committee.

D. Subjects of concern and Committee recommendations

6. The Committee notes with concern the reservation to article 14.1 made by the State party upon ratification of the Convention. In the light of the Vienna Declaration and Programme of Action (1993), the Committee encourages the State party to consider the possibility of reviewing the reservation with a view to its withdrawal.

7. While the Committee notes that the State party has developed a substantive legislative framework, it is still concerned that the provisions and principles of the Convention are not fully reflected in law. The Committee recommends that the State party take all appropriate measures to engage, where necessary, in a process of law reform, for example, by enacting a children's code to ensure full compliance with the Convention.

8. The Committee is concerned at the need to strengthen law enforcement in all areas covered by the Convention. It suggests that the State party consider the introduction of a number of policies and programmes that guarantee law enforcement and implementation of the existing legislation through adequate services, remedies and rehabilitation programmes, when appropriate within the framework of international cooperation.

9. While the Committee notes that the Child Welfare Authority, the institution responsible for the implementation of the Convention, enjoys support at the highest official level and is located in the office of the President, it remains concerned at its limited powers. The Committee recommends that the State party seek to strengthen the Child Welfare Authority by increasing its budgetary allocations, as well as its power and authority to implement the Convention.

10. With regard to coordination of programmes and policies, the Committee is concerned at the insufficient coordination between the different bodies and agencies working with and for children. The Committee recommends that further steps be taken by the State party to strengthen coordination between the various government bodies involved in children's rights at both the national and local levels and that greater efforts be made to ensure closer cooperation with non-governmental organizations working in the field of children's rights.

11. The Committee expresses concern at the absence of an independent mechanism to register and address complaints from children concerning violations of their rights under the Convention. The Committee recommends that an independent mechanism be made accessible to children to deal with complaints of violations of their rights and to provide remedies for such violations.

12. While the Committee notes the establishment and expansion of the Mother and Child Unit within the Central Statistical Office, it is still concerned that no adequate measures have been taken for the development of indicators and the systematic collection of disaggregated quantitative and qualitative data on the areas covered by the Convention in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children. The Committee recommends that the system of data collection be reviewed with a view to incorporating all the areas covered by the Convention. Such a system should include all children, with specific emphasis on vulnerable ones, including those who are victims of abuse or ill-treatment, child workers, children involved with the administration of juvenile justice, the girl child, children of single-parent families and children born out of wedlock, abandoned and/or institutionalized children, and children with disabilities. The Committee recommends that the State party consider seeking technical assistance from, inter alia, UNICEF in the development of such a data collection system.

13. In the light of article 4 of the Convention, the Committee is concerned that insufficient attention has been paid to allocating budgetary resources in favour of children "to the maximum extent ... available ... and, where needed, within the framework of international cooperation". It recommends the State party to prioritize budgetary allocation to ensure the protection of the economic, social and cultural rights of children, especially taking into account articles 2, 3 and 4 of the Convention. In this regard, the Committee also recommends that the State party seek to eliminate the disparities between urban and rural areas and between provinces.

14. The Committee notes that professional groups, children and the public at large are not sufficiently aware of the Convention and its principles. The Committee recommends that greater efforts be made to ensure that the principles and provisions of the Convention are widely known and understood by adults and children alike. In this regard, it is recommended that efforts be made to translate the Convention into all minority languages. The Committee also recommends that systematic training and retraining programmes on the rights of the child, as well as in the areas of international human rights and humanitarian law, be organized for professional groups working with and for children, such as judges, lawyers, law enforcement personnel, military officers and personnel, teachers, school administrators, health personnel,

including psychologists, social workers, central or local administration officials and personnel of child-care institutions. Systematic dissemination of the principles and provisions of the Convention to non-governmental organizations, the mass media and the public at large, including children themselves, should be enhanced. The Committee suggests that the State party incorporate the Convention in school and university curricula. In this regard, the Committee also suggests that the State party consider seeking technical assistance from, *inter alia*, the Office of the High Commissioner for Human Rights, the International Committee of the Red Cross and UNICEF.

15. In the light of the provisions and principles of the Convention, especially the principles of the best interests of the child (art. 3) and the right to life, survival and development (art. 6), the Committee is deeply concerned at the early legal minimum age of voluntary enlistment into the armed forces. It recommends that the State party raise the legal minimum age of voluntary enlistment into the armed forces in the light of international human rights and humanitarian law.

16. The Committee wishes to express its concern that the State party does not appear to have fully taken into account the provisions of the Convention, especially its general principles, as reflected in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions, or in its policies and programmes relevant to children. It is the Committee's view that further efforts must be undertaken to ensure that the general principles of the Convention guide policy discussions and decision-making, and are appropriately reflected in any legal revision and in judicial and administrative decisions, as well as in the development and implementation of all projects and programmes which have an impact on children.

17. The Committee is concerned that the welfare policies and practices prevailing in the State party do not adequately reflect the rights-based approach enshrined in the Convention. In this regard, the Committee also notes that the principle of non-discrimination (art. 2) is reflected in the Constitution and in other domestic legislation. However it is concerned that domestic legislation does not explicitly prohibit discrimination on the basis of national or ethnic origin, political or other opinion, and disability. Though Iraqi legislation prohibits discrimination on the basis of sex, the Committee is concerned that in practice there are still disparities between boys and girls, particularly with respect to inheritance rights and the right to education. The Committee encourages the State party to take all appropriate measures, including legislative measures, to ensure non-discrimination at all levels of society and to encourage equality between boys and girls. In this regard, the Committee further recommends that additional measures be taken to ensure the school enrolment of girls, especially in rural areas, and to reduce their drop-out rate, particularly during the compulsory education period.

18. The Committee expresses concern regarding the participatory rights of children. The Committee urges the State party to encourage children to take an active role in the promotion and implementation of the Convention. The

Committee suggests that non-governmental organizations, such as the National Federation of Iraqi Students and Youth, be given a more significant role in promoting the Convention.

19. The Committee is further concerned that in the light of the State party's legislation regarding citizenship, nationality may only be obtained by a child from his/her Iraqi father, except in cases where the father is unknown or stateless. The Committee recommends that domestic legislation be amended to guarantee that the acquisition of Iraqi nationality is determined in the light of the provisions and principles of the Convention, especially articles 2, 3 and 7.

20. In the light of article 19 of the Convention, the Committee expresses its concern that corporal punishment is not expressly prohibited in domestic legislation. The Committee recommends that the State party take all appropriate measures, including of a legislative nature, with the aim of prohibiting corporal punishment at all levels of society. The Committee also suggests that awareness-raising campaigns be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, especially article 28.2.

21. The Committee is concerned at the insufficient awareness of, lack of information on and societal attitude toward ill-treatment and abuse, including sexual abuse, both within and outside the family, the insufficient legal protection measures and appropriate resources, both financial and human, as well as the lack of adequately trained personnel to prevent and combat such abuse. In the light of article 19 of the Convention, the Committee recommends that the State party undertake studies on ill-treatment and abuse, including sexual abuse, and adopt adequate measures and policies, with a view to, inter alia, changing traditional attitudes. It also recommends that cases of abuse and ill-treatment of children, including sexual abuse within the family, be properly investigated, sanctions applied to perpetrators and publicity given to decisions taken in such cases, due regard being given to protecting the right to privacy of the child. Further measures should be taken with a view to ensuring the provision of support services to children in legal proceedings, the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention, and the prevention of criminalization and stigmatization of victims.

22. The Committee notes with grave concern the deteriorating health situation of children, particularly the high and increasing infant and child mortality rates and serious long-term malnutrition, aggravated by poor breastfeeding practices and common childhood diseases. The Committee encourages the State party to develop comprehensive policies and programmes to promote and improve breastfeeding practices, to prevent and combat malnutrition, especially in vulnerable and disadvantaged groups of children, and to consider technical assistance for the integrated management of childhood illnesses and other measures for child health improvement from, inter alia, UNICEF and WHO.

23. The Committee is particularly concerned over the absence of data on adolescent health, including on teenage pregnancy, abortion, suicide, violence and substance abuse. The Committee recommends that the State party promote

adolescent health policies and the strengthening of reproductive health education and counselling services. The Committee further suggests that a comprehensive and multidisciplinary study be undertaken on adolescent health problems. The Committee also recommends that further efforts, both financial and human, be undertaken to develop child-friendly, prevention, care and rehabilitation facilities for adolescents.

24. The Committee expresses concern regarding the availability of facilities and services for persons with disabilities, including children. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96), the Committee recommends that the State party develop early identification programmes to prevent disabilities, implement alternatives to the institutionalization of children with disabilities, envisage awareness-raising campaigns to reduce discrimination against children with disabilities, establish special education programmes for children with disabilities and encourage their inclusion in the regular school system and society. The Committee further recommends that the State party seek technical cooperation for the training of parents and professional staff working with and for children with disabilities. International cooperation from, inter alia, UNICEF and WHO can be sought to this effect.

25. In the light of the recent economic conditions in the State party, the Committee is also concerned at the number of children leaving school prematurely to engage in labour, particularly girls. The Committee recommends that all appropriate measures be taken to provide equal access to education, encourage children, particularly girls, to stay in school and discourage early entry into the labour force.

26. The Committee notes with concern that the economic exploitation of children has increased dramatically in the past few years and that an increasing number of children are leaving school, sometimes at an early age, to work to support themselves and their families. In this regard, the Committee is also concerned about the existing gap between the age at which compulsory education ends (12 years old) and the minimum legal age for access to employment (15 years old). The Committee recommends that research be carried out on the situation with regard to child labour in the State party, including the involvement of children in hazardous work, to identify the causes and the extent of the problem. Legislation protecting children from economic exploitation should also cover the informal labour sector. The Committee further suggests that the State party consider raising the age at which compulsory education ends to coincide with the minimum legal age for employment.

27. The Committee notes with concern the situation of children living and/or working on the streets, particularly as it relates to economic and sexual exploitation. In this regard, the Committee encourages the State party to increase preventive measures and its efforts to ensure the rehabilitation and reintegration of these children.

28. While taking into consideration the efforts made by the State party, the Committee notes with concern the situation with respect to landmines, and the threat they pose to the survival and development of children. The Committee

stresses the importance of educating parents, children and the general public about the dangers of landmines and of implementing rehabilitation programmes for victims of landmines. The Committee recommends that the State party review the situation with respect to landmines within a framework of international cooperation, including from United Nations agencies. The Committee further suggests that the State party become a party to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and of Their Destruction (1997).

29. The Committee is concerned at the situation with respect to the administration of juvenile justice and in particular its incompatibility with the Convention, as well as other relevant United Nations standards. The Committee recommends that the State party consider taking additional steps to reform the system of juvenile justice in the spirit of the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to considering deprivation of liberty only as a measure of last resort and for the shortest possible period of time, to the protection of the rights of children deprived of their liberty, to due process of law and to the full independence and impartiality of the judiciary. Training programmes on relevant international standards should be organized for professionals involved with the system of juvenile justice. The Committee suggests that the State party consider seeking technical assistance from, *inter alia*, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice and Assistance in Juvenile Justice.

30. Finally, the Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the present concluding observations of the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including non-governmental organizations.



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Concluding observations of the Committee on the
Rights of the Child: Bolivia

1. The Committee considered the second periodic report of Bolivia (CRC/C/65/Add.1) at its 485th and 486th meetings (see CRC/C/SR.485-486), held on 25 September 1998, and adopted* the following concluding observations:

A. Introduction

2. The Committee welcomes the timely submission of the State party's second periodic report and takes note of the written answers to the list of issues (CRC/C/Q/BOL.2). The Committee is encouraged by the frank, self-critical and constructive dialogue the State party's delegation undertook with the Committee. The Committee also acknowledges that the presence of a delegation directly involved in the implementation of the Convention enabled it to assess better the situation of the rights of the child in the State party.

B. Follow-up measures undertaken and progress achieved
by the State party

3. The Committee acknowledges the State party's commitment to the promotion and protection of human rights with the establishment of a Vice-Ministry for Human Rights within the new structure of the Ministry of Justice and Human Rights. The Committee also welcomes the establishment of the Office of the Human Rights Ombudsperson (Defensor del Pueblo) and the inclusion of children's rights within its mandate.

* At the 505th meeting, held on 9 October 1998.

4. The Committee expresses its appreciation of the enactment of the Popular Participation Act (1994), which establishes the principle of equal distribution per inhabitant of the joint resources from taxation allocated and transferred to regions, and seeks to correct the historical disparities between urban and rural areas. This initiative reflects the Committee's recommendation (see CRC/C/15/Add.1, para. 14). The Committee particularly welcomes the establishment, as part of the decentralization programme, of the municipal defence system for children.

5. The Committee notes with appreciation the participation of non-governmental organizations in the elaboration of the State party's second periodic report and in amending the Code of Minors (1992), in line with a recommendation of the Committee (see CRC/C/15/Add.1, para. 18).

6. The Committee notes with appreciation the adoption of the National Mother and Child Insurance Scheme (1996), under which public hospitals and health centres provide free care for all mothers, during pregnancy, childbirth and the post-natal period, and for all children up to five years of age.

7. In the light of the Committee's recommendation (see CRC/C/15/Add.1, para. 14), the enactment of the Educational Reform Act (1994), which makes the provision of educational services in the State party available to the whole society without any type of discrimination, is welcomed by the Committee.

8. The Committee welcomes the accession (1997) of the State party to International Labour Organization (ILO) Convention No. 138 concerning Minimum Age for Access to Employment.

C. Factors and difficulties impeding further progress
in the implementation of the Convention

9. The Committee notes the persistence of large disparities in income distribution and is of the view that this problem, which has contributed to long-term hard-core poverty, is still affecting children's exercise of their rights.

10. The Committee notes that severe economic constraints, due in particular to structural adjustment programmes and external debt, are still having a negative impact on the situation of children.

D. Principal subjects of concern and Committee recommendations

11. While noting the measures taken by the State party to implement the recommendations of the Committee (see CRC/C/15/Add.1, para. 13) regarding the need to reform the Minors Code (1992), and taking into consideration the information provided on the forthcoming enactment of the Code for Children and Adolescents (Proyecto de Código de los Niños, Niñas y Adolescentes), the Committee remains concerned about some discrepancies between domestic legislation and the provisions of the Convention, as well as about the slow pace of the current process of reform. The Committee recommends that the State party take all available measures to ensure that the current process of reform of its legislation on children's rights is in full conformity with the

principles and provisions of the Convention. The Committee also recommends that the State party take all the necessary steps to accelerate the current process of reform.

12. With regard to the Committee's recommendation (see CRC/C/15/Add.1, para. 13) concerning the need to develop indicators for monitoring the implementation of policies and programmes for children, the Committee takes note of the State party's efforts to include some disaggregated data and other indicators in the periodic report and in the written replies. Nevertheless, it remains concerned that disaggregated data and indicators for all areas covered by the Convention were not included. The Committee recommends that the State party continue reviewing and updating its data collection system, with a view to including all the areas covered by the Convention. Such a system should include all children under 18 years of age and specifically emphasize vulnerable groups of children. In this regard, the Committee encourages the State party to seek technical assistance from UNICEF and other international agencies.

13. While the Committee takes note of the willingness of the State party to launch a major campaign on children's rights upon the enactment of the new Children and Adolescents Code (Código de los Niños, Niñas y Adolescentes), it expresses its concern at the lack of measures taken so far to implement its recommendation (see CRC/C/15/Add.1, para. 17) to disseminate information on the provisions of the Convention. The Committee recommends that the State party take all available measures to disseminate the principles and provisions of the Convention, especially in the three national languages other than Spanish (Aymara, Quechua and Guarani) spoken in the State party. The Committee suggests that the State party seek assistance from, inter alia, UNICEF in this regard.

14. The Committee welcomes the willingness of the State party to include a children's rights component, including the training of professionals working with and for children, in its technical cooperation programme with the Office of the High Commissioner for Human Rights/UNDP for the implementation of the State party's National Plan of Action on Human Rights. The Committee encourages the State party to continue with its efforts to provide sensitization programmes and training to all professional groups working with and for children, such as judges, lawyers, law enforcement and army officials, civil servants, personnel working in institutions and places of detention for children, teachers, health personnel, psychologists and social workers. Dissemination of the provisions and principles of the Convention to non-governmental organizations, the mass media and the public at large including children themselves, should be enhanced.

15. While the Committee is aware of the efforts undertaken by the State party to allocate substantial financial resources for the benefit of children, it reiterates its concern (see CRC/C/15/Add.1, para. 7) that the stringent budgetary measures and external debt, as well as the persistence of widespread poverty and uneven income distribution, are still having a negative impact on the situation of children in the State party. In the light of articles 2, 3 and 4 of the Convention, the Committee encourages the State party to continue undertaking all appropriate measures to the maximum extent of its available resources, including international cooperation, to continue ensuring that

sufficient budgetary allocation is provided to social services for children and that particular attention is paid to the protection of children belonging to vulnerable and marginalized groups. The Committee also recommends that the State party take children's rights into consideration in designing its social policies and programmes. Furthermore, the Committee encourages the State party to continue with its efforts to reduce the burden of its external debt, including the measures taken within the framework of the World Bank/International Monetary Fund's initiative "Highly Indebted Poor Countries".

16. The Committee reiterates its concern (see CRC/C/15/Add.1, para. 8) regarding the implementation of article 1 and other related provisions of the Convention, owing to disparities in domestic legislation, especially concerning the minimum legal ages for access to work and for marriage. The Committee is also concerned about the use of the biological criterion of puberty to set different ages of maturity for boys and girls. This practice is contrary to the principles and provisions of the Convention and, inter alia, it constitutes a form of gender-based discrimination which affects the enjoyment of all rights. The Committee recommends that the State party introduce appropriate amendments to the draft code for children and adolescents (Proyecto de Código de los Niños, Niñas y Adolescentes) and raise the minimum legal ages for work and marriage, in order to bring it into full conformity with the principles and provisions of the Convention.

17. With regard to the implementation of article 2 of the Convention, the Committee reiterates its concern (see CRC/C/15/Add.1, para. 9) at the growing disparities between rural and urban areas, as well as the growing number of the population living in urban poor and marginalized areas. Furthermore, the predominance of discrimination on the basis of ethnic origin, gender, social status and disabilities is also a major concern. The Committee reiterates its recommendation (see CRC/C/15/Add.1, para. 14) to the State party and further recommends that it increase measures to reduce economic and social disparities, including between rural and urban areas, to prevent discrimination against the most disadvantaged groups of children, such as children belonging to indigenous communities, girl children, children with disabilities, children born out of wedlock and children who are living and/or working on the streets.

18. While the Committee notes that the principles of the "best interests of the child" (art. 3) and "respect for the views of the child" (art. 12) have been incorporated in domestic legislation, it remains concerned that in practice, as it is recognized in the report, these principles are not respected owing to the fact that children are not yet perceived as persons entitled to rights and that the rights of the child are undermined by adults' interests. The Committee recommends that further efforts be made to ensure the implementation of the principles of the "best interests of the child" and "respect for the views of the child", especially his or her rights to participate in the family, at school, within other institutions and in society in general. These principles should also be reflected in all policies and programmes relating to children. Awareness-raising among the public at large, including traditional communities and religious leaders, as well as educational programmes on the implementation of these principles should be reinforced.

19. The Committee expresses its concern at the insufficient measures taken by the State party in the area of birth registration, and at the lack of awareness and understanding of registration procedures, especially in rural areas. In the light of article 7 of the Convention, the Committee recommends that the State party take all available measures to ensure the immediate registration of the birth of all children. Furthermore, the Committee encourages the State party to ensure that birth registration procedures are widely made known to the population at large, if necessary in cooperation with non-governmental organizations and with the support of international organizations.

20. While the Committee welcomes the adoption of legislation on domestic violence, it remains concerned about persistent ill-treatment of children in the State party. Concern is also expressed at the insufficient awareness and lack of information, research, statistics and data on ill-treatment and abuse, including sexual abuse, both within and outside the family, at the insufficient legal protection measures and appropriate resources, both financial and human, as well as at the lack of adequately trained personnel to prevent and combat such abuse. The insufficiency of rehabilitation measures for such children and their limited access to justice is also a matter of concern. In the light, inter alia, of articles 19 and 39 of the Convention, the Committee recommends that the State party take all appropriate measures to prevent and combat ill-treatment and sexual abuse of children within the family, schools and society at large. It suggests, inter alia, the setting up of social programmes to prevent all types of child abuse as well as the rehabilitation of child victims. Law enforcement should be strengthened with respect to such crimes; adequate procedures and mechanisms to deal with complaints of child abuse should be developed.

21. While the Committee takes note of existing legislation prohibiting corporal punishment of children, it remains concerned that corporal punishment is still widely used within the family and in schools and institutions. In connection with the child's right to physical integrity, recognized by the Convention in its articles 19, 28, 29 and 37, the Committee recommends that the State party consider the possibility of undertaking educational campaigns. Such measures would help to change societal attitudes towards the use of physical punishment within the family and in schools and institutions.

22. While the Committee notes the inclusion of legislative measures on adoption in the Minors Code (1992), it remains concerned at the lack of adequate protection measures with regard to intercountry adoption. The Committee encourages the State party to consider acceding to the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption.

23. The Committee expresses its concern at the situation of children living in institutions and of children living in penitentiary centres with one of their parents. Concern is also expressed at the lack of follow-up measures and of a system to monitor and evaluate the development of these groups of children. The Committee recommends that the State party take the necessary steps to establish alternatives to institutionalizing children (for example,

foster families), especially for those living with one of their parents in penitentiary centres. The Committee further recommends that the State party undertake follow-up measures and institute a monitoring and evaluation system to ensure the adequate development of these groups of children.

24. While the Committee notes with appreciation the efforts undertaken by the State party in the area of basic health, it is still concerned about the persistence of a high infant mortality rate and limited access of children to basic health services. Furthermore, the persistence of common childhood diseases (for example, gastro-intestinal and respiratory illnesses), increased malnutrition in children under five years of age and growing adolescent health-related problems, such as teenage pregnancy, smoking and alcohol consumption are also issues of concern. The Committee recommends that the State party take all appropriate measures, including seeking international cooperation, to ensure access to basic health care and services for all children and that adolescent health policy and programmes are developed, including prevention, care and rehabilitation measures. More concerted efforts need to be taken to combat malnutrition and ensure the adoption and implementation of a national nutritional policy for children.

25. While the Committee acknowledges the State party's policies for the protection of refugees, it remains concerned at the lack of specific provisions in its legislation concerning the rights of asylum seeking and refugee children and the right to family reunification. In the light of article 22 of the Convention, the Committee recommends that the State party adopt legislation to protect all the rights of asylum seeking and refugee children. Technical assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR) might be requested in this regard.

26. The Committee is concerned about the situation of children living in the Chapare region, who are constantly exposed to the side effects of anti-narcotics interventions and live in a violent environment which has a negative impact on their development. The Committee recommends that the State party take appropriate measures to ensure the protection of children living in the Chapare region.

27. The Committee expresses its concern at the situation of children living in towns on the border with Chile, whose lives are threatened by landmines planted in that region. The Committee recommends that the State party take all necessary measures, including awareness-raising programmes on landmines and training for the population at large, for the protection of children living in these towns. In this regard, the Committee encourages the State party to consider seeking international cooperation, as well as conducting bilateral consultations for the clearance of landmines.

28. With regard to the Committee's concern (see CRC/C/15/Add.1, para. 9) at the situation with regard to child labour in the State party, the Committee takes note of the measures taken in this area, such as the signing of a memorandum of understanding (1996) between the State party and the International Labour Organization, and the establishment of a pilot education programme for working children, financed by the Inter-American Development Bank. Nevertheless, the Committee is still concerned that economic exploitation remains one of the major problems affecting children in the State

party. The Committee also reiterates its concern (see CRC/C/15/Add.1, para. 12) about the situation of children working and/or living on the streets. In the light of, inter alia, articles 3 and 32 of the Convention, the Committee recommends that the State party should not lower the minimum age for access to work. It encourages the State party to continue giving attention to the situation of children involved in hazardous labour, including domestic labour and prostitution, in order to protect them from being exploited and from the negative impact on their development. The Committee recommends that the State party undertake research on the issue of children living and/or working on the streets as a basis for adopting appropriate programmes and policies for the protection and rehabilitation of these children and the prevention of this phenomenon.

29. The Committee is concerned at the absence of data and of a comprehensive study on the issue of sexual exploitation of children. In the light of article 34 and related articles of the Convention, the Committee recommends that the State party undertake studies with a view to designing and implementing appropriate policies and measures, including care and rehabilitation, to combat the sexual exploitation of children. It also recommends that the State party reinforce its legislative framework to protect children fully from all forms of sexual abuse or exploitation, including within the family. The Committee further recommends that the State party continue implementing the recommendations formulated in the Agenda for Action adopted at the 1996 Stockholm World Congress against Commercial Sexual Exploitation of Children.

30. With regard to the juvenile justice system in the State party, the Committee is concerned about its lack of full compatibility with articles 37, 40 and 39 of the Convention and with other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. In particular, the Committee is concerned about the conditions of children living in special institutions, the use of violence by law enforcement officials, that deprivation of liberty is not systematically used as a measure of last resort and that children are detained together with adults. The Committee recommends that the State party envisage undertaking further measures to ensure the full compatibility of the juvenile justice system with the Convention, especially, articles 37, 40 and 39 and other relevant United Nations standards in this field. Particular attention should be paid to ensuring the improvement of the conditions of children living in special institutions, that violence is not used by law enforcement officials, that the use of deprivation of liberty is only used as a measure of last resort and that children are not detained together with adults. The Committee encourages the State party to consider ratifying the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Training programmes on the relevant international standards should be conducted for all professionals involved with the juvenile justice system. In this regard, the Committee further suggests that the State party consider seeking technical assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF through the Coordination Panel on Juvenile Justice.

31. Lastly, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and written replies submitted by the State party be made widely available to the public at large and that consideration be given to publishing the report, along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and Parliament and among the general public, including concerned non-governmental organizations.



Convention on the
Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Nineteenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the
Rights of the Child: Kuwait

1. The Committee considered the initial report of Kuwait (CRC/C/8/Add.35) at its 487th to 490th meetings (CRC/C/SR.487-490), on 28 and 29 September 1998 and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission by the State party of its initial report. It also takes note of the submission of written replies to the list of issues (CRC/C/Q/KUW/1). It further notes that while the report did not fully comply with the Committee's guidelines, the frank, self-critical and constructive dialogue contributed to a better understanding of the situation in the State party.

B. Positive aspects

3. The Committee notes the existence in Parliament of the Committee on Human Rights. It also notes the recent establishment within the Ministry of Justice of a unit dealing with human rights issues, including a mechanism for the consideration of individual complaints.

* At the 505th meeting, held on 9 October 1998.

4. The Committee takes note of the fact that the Convention is self-executing within the State party and that its provisions may be invoked before the courts.

5. The Committee finds commendable the extensive social welfare services available to citizens of the State party at either no cost or at only a fraction of the real cost, including public services relating to education, health, social care and housing.

6. The Committee welcomes efforts by the State party to mainstream children with disabilities, or who have learning difficulties, within regular classes, while at the same time providing complementary courses catering for the special needs of those children.

7. The Committee welcomes the organization of an "Arab Day for Children" in the State party as a way for children better to understand their rights under the Convention.

C. Factors and difficulties impeding the implementation of the Convention

8. The Committee is aware that physical and psychological hardship resulting from the Gulf War still affects a substantial number of children and their parents. The Committee notes that there remain unresolved issues concerning family reunification since the end of the Gulf War and this situation is a serious constraint on the full implementation of the Convention.

D. Principal subjects of concern and Committee recommendations

9. The Committee notes with concern the declarations on articles 7 and 21 of the Convention made by the State party upon ratification of the Convention. In the light of the Vienna Declaration and Programme of Action (1993), the Committee encourages the State party to consider the possibility of reviewing the declarations.

10. While the Committee notes that the State party has developed a legislative framework, it is still concerned that the provisions and principles of the Convention are not fully reflected in law. The Committee recommends that the State party take all appropriate measures to engage, where necessary, in a process of law reform, for example by enacting a children's code to ensure full conformity with the Convention.

11. The Committee is concerned that the State party does not appear to have a comprehensive policy to promote and protect children's rights, and that it does not have a central evaluation and monitoring body for coordination between different ministries and between the central Government and local authorities. The Committee encourages the State party to adopt a national strategy for children, to establish a mechanism of coordination, evaluation and monitoring to implement policies and programmes for children in the light of the Convention. The Committee also recommends that the State party further its cooperation with the non-governmental organizations and to involve these organizations in such coordination and monitoring bodies.

12. In spite of the recent establishment within the Ministry of Justice of a unit dealing with human rights issues, including a mechanism for the consideration of individual complaints, the Committee expresses concern that there is insufficient awareness of this mechanism and how it can be used to register and address complaints from children concerning violations of their rights. The Committee suggests that the State party take appropriate measures to ensure that this mechanism is better known, including how it can be used by or on behalf of children to make complaints in the case of violations of their rights and to seek remedy for such violations.

13. The Committee is concerned that insufficient measures have been taken for the development of indicators and the systematic collection of disaggregated data on the areas covered by the Convention in relation to all groups of children in order to monitor and evaluate progress achieved and to assess the impact of policies adopted with respect to children. The Committee recommends that the system of data collection be strengthened with a view to incorporating all the areas covered by the Convention. Such a system of disaggregated data should include all children, with specific emphasis on vulnerable ones, including those who are victims of abuse or ill-treatment, children belonging to minority groups, including in particular the Bedoons, or to migrant families, children with no residence permit, children involved with the administration of juvenile justice, the girl child, children of single-parent families and children born out of wedlock, abandoned children, institutionalized children and those with disabilities. The Committee recommends that the State party consider seeking technical assistance from, inter alia, UNICEF in the development of such a data collection system.

14. The Committee notes with concern that professional groups, children and the public at large are not generally aware of the principles and provisions of the Convention. The Committee recommends that greater efforts be made to ensure that the provisions of the Convention are widely known and understood by adults and children alike. The Committee also recommends that systematic training and retraining programmes on the rights of the child be organized for professional groups working with and for children, such as judges, lawyers, law enforcement personnel, military officials and personnel, teachers, school administrators, health personnel, including psychologists, social workers, officials of central or local administrations, personnel of child-care institutions, the mass media. Systematic dissemination of the principles and provisions of the Convention to non-governmental organizations, the mass media and the public at large, including children themselves, should be enhanced. The Committee suggests that the State party incorporate the Convention in school and university curricula. In this regard, the Committee also suggests that the State party consider seeking technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.

15. The Committee notes with concern that the legal age of criminal responsibility, at seven, is very low. Concern is also expressed at the low legal minimum age for marriage for girls, set at 15, while the minimum age for boys is set at 17. The Committee recommends raising the minimum legal age for criminal responsibility, in the light of the provisions and principles of the Convention and other relevant United Nations standards. In the light of the provisions and principles of the Convention, especially its articles 1, 2, 3,

6, 12 and 24, the Committee also recommends that the State party take all appropriate measures to raise the legal minimum age for marriage for girls to at least the same age as that set for boys.

16. The Committee is concerned that the welfare policies and practices prevailing in the State party do not adequately reflect the rights-based approach enshrined in the Convention. It also wishes to express its general concern that the State party does not appear to have fully taken into account the provisions of the Convention, especially its general principles, as reflected in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child), in its legislation and in its administrative and judicial decisions, as well as in its policies and programmes relevant to children. It is the Committee's view that further efforts must be undertaken to ensure that the general principles of the Convention, not only guide policy discussions and decision-making, but also are appropriately reflected in any legal revision, judicial and administrative decisions, and in the development and implementation of all projects and programmes which have an impact on children.

17. The Committee is concerned that neither the Constitution nor legislation fully conforms to article 2 of the Convention, and does not specifically prohibit discrimination on the basis of race, colour, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. The Committee is concerned at the existence of some laws, regulations or practices which are discriminatory towards non-Kuwaitis and girls, especially with regard to the right to education and inheritance. The Committee encourages the State party to review its legislation with a view to prohibiting discrimination on all grounds covered by article 2 of the Convention. Furthermore, in light of article 2 of the Convention, which requires State parties to ensure the implementation of all rights recognized by the Convention to each child within their jurisdiction, the Committee recommends the State party to take all appropriate measures to safeguard the rights of Bedoon children, migrant children, other non-citizens, and girls, especially with regard to access to education, health and other social services. Lastly, the Committee recommends that all appropriate measures be taken to guarantee that girls are systematically treated equally, especially with regard to the right to inheritance.

18. The Committee is concerned that the unusual demographic situation of the State party, in which only about 34 per cent of the population has Kuwaiti nationality, may have resulted in discrimination against non-Kuwaitis. The Committee is concerned at discrimination affecting children of the Bedoon community and young migrant workers. In the light of article 2 of the Convention, the Committee recommends that the State party take all appropriate measures to ensure that each child living within its jurisdiction is ensured without discrimination the full enjoyment of the rights set forth in the Convention. It also recommends that the State party consider ratifying the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

19. The Committee is concerned at the lack of awareness regarding the participatory rights of children. Concern is further expressed at the absence, in legal proceedings affecting a child, of a legal requirement that the views of the child be solicited. In the light of article 12 of the Convention, the Committee recommends that the State party take all appropriate measures to encourage participation of children in the family, in institutions, at school and in society. It also recommends that the relevant authorities ensure by all available means, including legislative means, that, according to his or her maturity, the views of children are an integral part of all decisions affecting them.

20. The Committee is further concerned that in the light of the State party's legislation regarding citizenship, nationality may only be obtained by a child from his/her Kuwaiti father. The Committee recommends that domestic legislation be amended to guarantee that the acquisition of Kuwaiti nationality be determined in light of the provisions and principles of the Convention, especially articles 2, 3 and 7.

21. The Committee expresses its concern about the lack of a specific prohibition in domestic legislation of the use of corporal punishment. The Committee recommends that the State party take all appropriate measures, including of a legislative nature, to prohibit corporal punishment in schools, in the family and other institutions, and in society at large. The Committee also suggests that awareness-raising campaigns be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, in the light of article 28.2 of the Convention.

22. The Committee is concerned at the insufficient awareness of and lack of information on domestic violence, ill-treatment and abuse, including sexual abuse, both within and outside the family, at the insufficient legal protection measures and insufficient resources, as well as at the lack of adequately trained personnel to prevent and combat such abuse. In the light of article 19 of the Convention, the Committee recommends that the State party undertake multidisciplinary studies on the nature and scope of ill-treatment and abuse, including sexual abuse, with a view to adopting adequate measures and policies, in order to, inter alia, change traditional attitudes. It also recommends that a special complaint mechanism be established for children to report such ill-treatment, domestic violence and abuse. It further recommends that cases of abuse and ill-treatment of children, including sexual abuse within the family, be properly investigated, sanctions applied to perpetrators and publicity given to decisions taken in such cases, due regard being given to protecting the right to privacy of the child. It is also recommended that consideration be given to adopting child-friendly rules for the provision of evidence in such proceedings. Further measures should be taken with a view to ensuring the provision of support services to children in legal proceedings, the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention, and the prevention of criminalization and stigmatization of victims.

23. The Committee is concerned at the potential for stigmatization of a woman or couple who decide to keep a child born out of wedlock, and at the impact of this stigmatization on the enjoyment by such children of their rights. The Committee recommends that the State party take all appropriate measures to create an adequate framework that would facilitate the choice of a woman or couple to whom a child is born out of wedlock to keep and raise the child.

24. The Committee is concerned that the State party does not have a procedural requirement for periodic review and systematic monitoring when children are placed in alternative care, such as in a children's home, a guest house or any other similar institution. The Committee recommends that special attention be given to children living in institutional care, including children born out of wedlock. Alternatives to institutional care, such as foster care, should be developed and an appropriate mechanism for the systematic monitoring and review of placement in institutional care should be established, in the light of article 25 of the Convention.

25. The Committee is concerned at the recent increase in the number of children living and/or working on the streets, especially children of the Bedoon community. It recommends that all appropriate measures be taken to provide access to school to all children and prevent and combat school drop-out. It also recommends the development of vocational training projects, as well as of adequate social programmes.

26. The Committee is concerned at the high level of malnutrition among children in the State party, mainly due to poor nutrition. The Committee recommends that the State party take all appropriate measures, such as awareness-raising campaigns in and outside schools and counseling, to sensitize adults, especially parents and domestic servants, and children alike to the importance of quality nutrition.

27. Regarding adolescent health, the Committee is concerned at the high mortality rate among male adolescents, due to external causes and accidents. It is also concerned at the lack of comprehensive data and information on the health status of adolescents in general, especially with regard to drug and substance abuse, sexually transmitted diseases and HIV/AIDS, teenage pregnancy, violence and suicide among young people, and by the lack of treatment and rehabilitation services. The Committee suggests that a comprehensive and multi-disciplinary study be undertaken on adolescent health problems, with data disaggregated by age and gender, to serve as the basis for developing and promoting adolescent health policies. The Committee also recommends that further efforts be undertaken to develop youth-friendly care, counseling and rehabilitation facilities for adolescents.

28. In the light of the provisions and principles of the Convention, especially its articles 2, 3, 6, 12 and 24.3, the Committee is concerned at the practice of early marriage. It recommends that the State party undertake all appropriate measures, including legal measures, awareness-raising campaigns with a view to changing attitudes, counseling and reproductive health education, to prevent and combat this traditional practice which is harmful to the health and well-being of girls and the development of the family.

29. The Committee is concerned that the State party does not have specific domestic legislation for determining the status of and protecting refugees, including children, and is currently not a party to any of the main treaties on statelessness or refugees. The Committee recommends that the State party review its domestic legislation with a view to including provisions for determining the status of and protecting refugees, including children, especially with regard to access to education, health and other social services. The Committee also recommends that the State party consider ratifying the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, as well as the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

30. The Committee recognizes that the State party is still recovering from the effects of the Gulf War and that landmines pose a continuing threat to the population and have already given rise to numerous casualties, including children. The Committee stresses the importance of educating parents, children and the general public about the dangers of landmines. The Committee recommends that the State party review the situation with regard to landmines within the framework of technical assistance, including from United Nations agencies. The Committee further suggests that the State party become a party to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and of Their Destruction (1997).

31. The Committee is concerned at the absence of data, information and comprehensive research on the issue of sexual abuse and exploitation of children. In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party reinforce its legislative framework to protect children fully from all forms of sexual abuse or exploitation, including within the family. It also recommends that the State party undertake studies with a view to designing and implementing appropriate policies and measures, including rehabilitation measures, to combat this phenomenon. The Committee urges the State party to continue implementing the recommendations formulated in the Agenda for Action adopted at the 1996 Stockholm World Congress against Commercial Sexual Exploitation of Children.

32. The Committee is concerned at the situation of the administration of juvenile justice and in particular its full compatibility with the Convention, as well as other relevant United Nations standards. The Committee recommends that the State party consider taking additional steps to reform the system of juvenile justice in the spirit of the Convention, in particular articles 37, 39 and 40, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to considering deprivation of liberty only as a measure of last resort and for the shortest possible period of time, to the protection of all the rights of children deprived of their liberty and, when appropriate, to encouraging alternatives to the processing of cases through the regular penal system. Training programmes on relevant international standards should be organized for all those professionals involved with the system of juvenile justice. The Committee suggests that the State party

consider seeking technical assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice and Assistance in Juvenile Justice.

33. The Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and these concluding observations be made widely available to the public at large, including non-governmental organizations, and that consideration be given to publishing the report, along with the relevant summary records, the list of questions and written answers thereto, and the concluding observations of the Committee. It is suggested that such a document could be widely distributed in order to generate debate on and awareness of the Convention, as well as to serve as a reference for the implementation of the Convention by the State party.



Convention on the
Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Nineteenth Session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the
Rights of the Child: Thailand

1. The Committee considered the initial report of Thailand (CRC/C/11/Add.13) at its 493rd to 495th meetings (CRC/C/SR.493-495) on 1 and 2 October 1998, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report and the written replies to its list of issues (CRC/C/Q/THA/1). The Committee notes the detailed and comprehensive structure of the report but regrets that it does not fully follow the established guidelines. The Committee also notes the constructive, open and frank dialogue it had with the delegation of the State party, and the additional information it received during the discussion. The Committee notes with appreciation the active participation of children and non-governmental organizations in its dialogue with the State party.

B. Positive aspects

3. The Committee notes the State party's recent adoption of a new Constitution (1997) which guarantees the promotion and protection of human rights, including children's rights as recognized by the Convention, and calls for the establishment of a national human rights committee charged with monitoring human rights.

* At the 505th meeting, held on 9 October 1998.

4. The Committee notes the recent efforts undertaken by the State party in the field of law reform. In this regard, it welcomes the enactment of the Amended Criminal Procedure Code concerning indecent acts committed against both boys and girls; the Criminal Procedure Code concerning juvenile defendants below the age of 18 years; the Act concerning Measures of Prevention and Suppression of the Trafficking in Women and Children of 1997; the Prevention and Suppression of Prostitution Act of 1996; the Occupational Training Promotion Act of 1993; and the Labour Protection Act of 1998.

5. The Committee notes that the Eighth National Economic and Social Development Plan (1997-2001) has given priority to human development, including child protection and participation. In this regard, it welcomes the initiatives to extend greater development opportunities to vulnerable and disadvantaged groups and implement special monitoring systems in the area of child labour and prostitution. The Committee also welcomes the State party's establishment of indicators, including social indicators (basic minimum needs); indicators on child and youth development; and indicators on child rights.

6. The Committee notes the cooperation between the State party and non-governmental organizations, particularly in the preparation of the report, and the current initiative to review policies and legislation to ensure compliance with the Convention.

C. Factors and difficulties impeding the implementation of the Convention

7. The Committee acknowledges that the current economic and social difficulties facing the State party have had a negative impact on the situation of children and have impeded the full implementation of the Convention. In particular, it notes the high level of external debt, the requirements of the structural adjustment programme and the increasing level of unemployment and poverty.

D. Subjects of concern and Committee recommendations

8. While noting with appreciation that the State party has withdrawn its reservation with respect to article 29 of the Convention, the Committee is concerned at the remaining reservations (to arts. 7 and 22), made by the State party upon ratification of the Convention. In this regard, the Committee notes that the State party has recently (1997) ratified without reservation the International Covenant on Civil and Political Rights, and wishes to draw attention in particular to the provisions of articles 2 and 24 of the Covenant. In the light of the Vienna Declaration and Programme of Action of 1993 and the recent ratification of the International Covenant on Civil and Political Rights, the Committee encourages the State party to consider the possibility of reviewing its reservations with a view to withdrawing them.

9. The Committee notes that the State party has developed a substantive legislative framework. It is concerned, however, that domestic legislation still does not fully reflect the principles and provisions of the Convention. The Committee recommends that the State party undertake a review of its

domestic legislation to ensure full conformity with the principles and provisions of the Convention. In this regard, the Committee also encourages the State party to consider the possibility of enacting a comprehensive code for children.

10. While the Committee notes the establishment of the Corrupt Practices Commission, the need to strengthen law enforcement and combat corrupt practices in all areas covered by the Convention is still of particular concern to the Committee. The Committee therefore recommends that the State party take all appropriate measures, including training, to strengthen law enforcement and prevent corrupt practices.

11. While noting the efforts of the National Youth Bureau to facilitate the coordination of child rights issues, the Committee is concerned that involvement and coordination at the local level is still somewhat limited. The Committee recommends that the State party adopt a comprehensive approach to the implementation of the Convention by, *inter alia*, decentralizing the process of promoting and protecting children's rights. The Committee also recommends that further steps be taken by the State party to strengthen coordination through the National Youth Bureau, particularly at the local level.

12. While noting the development of indicators for monitoring the implementation of the Convention, the Committee is still concerned that the current data-collection mechanism is insufficient to ensure the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children. The Committee recommends that the system of data collection be reviewed with a view to incorporating all the areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are vulnerable, including economically exploited children, children of single-parent families, children born out of wedlock, institutionalized children and children of nomadic and hill tribe communities.

13. The Committee expresses concern at the absence of an independent mechanism to register and address complaints from children concerning violations of their rights under the Convention. The Committee suggests that an independent child-friendly mechanism be made accessible to children to deal with complaints of violations of their rights and to provide remedies for such violations. The Committee also suggests that the State party institute an awareness-raising campaign to facilitate the effective use by children of such a mechanism.

14. The Committee takes note of the State party's increased social expenditure allocations, even in difficult economic circumstances. The Committee remains concerned, however, that in the light of article 4 of the Convention, not enough attention has been paid to making budgetary allocations in favour of children "to the maximum extent of (...) available resources". In the light of articles 2, 3, and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary

allocations to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation.

15. While recognizing the efforts of the State party to promote awareness of the principles and provisions of the Convention, the Committee remains concerned that professional groups, children and the public at large are generally not sufficiently aware of the Convention. The Committee recommends that greater efforts be made to ensure that the provisions of the Convention are widely known and understood by adults and children alike, residing in both rural and urban areas. In this regard, it recommends that the Convention be translated into and made available in all minority or indigenous languages. The Committee also recommends the appropriate, systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, military officers and personnel, teachers, school administrators, health personnel, including psychologists, social workers, officials of central or local administration and personnel of child-care institutions. The Committee encourages the State party to take measures to raise awareness among the media and the public at large concerning the rights of the child. It suggests that the State party seek to ensure that the Convention is fully integrated into school and university curricula. In this regard, the Committee also suggests that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.

16. The Committee expresses its concern at the low minimum legal age for criminal responsibility. It is also concerned that no legal age is established for the attainment of majority. The Committee recommends that the State party review its legislation in order to bring it into conformity with the provisions of the Convention.

17. The Committee wishes to express its concern that the State party does not appear to have fully taken into account the provisions of the Convention, especially the general principles reflected in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions, or its policies and programmes relevant to children. It is the Committee's view that further efforts must be undertaken to ensure that the principles of the Convention, in particular the general principles, not only guide policy discussion and decision-making, but also are appropriately reflected in any legal revisions or judicial and administrative decisions, and in the development and implementation of all projects and programmes which have an impact on children.

18. The Committee acknowledges the efforts made by the State party to reach vulnerable groups. The Committee is still concerned, however, that the measures adopted to ensure that all children are guaranteed access to education and health services and are protected against all forms of exploitation are insufficient. Of particular concern are certain vulnerable groups of children, including girls, children with disabilities, children belonging to minorities including hill tribes, children living in rural areas, children living in poverty, children living and/or working on the streets and

asylum seeking children, illegal-immigrant children, children in the juvenile justice system and children born out of wedlock. The Committee recommends that the State party increase its efforts to ensure implementation of the principle of non-discrimination and full compliance with article 2 of the Convention, particularly as it relates to vulnerable groups.

19. While the Committee notes the efforts made by the State party to encourage the participatory rights of children, it is concerned that traditional practices, culture and attitudes still limit the full implementation of article 12 of the Convention. The Committee recommends that the State party seek to develop a systematic approach to increasing public awareness of the participatory rights of children and encourage respect for the views of the child within the family, as well as within the school, care and judicial systems.

20. The Committee notes that the State party has enacted legislation to guarantee registration at birth (the Registration of Inhabitants Act), but is concerned that many children are still not registered, particularly those living in nomadic and hill tribe communities. In the light of article 7 of the Convention, the Committee recommends that the State party increase its efforts to raise awareness among government officers, community leaders and parents to ensure that all children are registered at birth. The Committee also encourages the State party to adopt measures to regularize the situation of hill tribe children and provide them with documentation to guarantee their rights and facilitate their access to basic health, education and other services.

21. The Committee notes the State party's efforts to prohibit the use of corporal punishment in schools. It is concerned, however, that corporal punishment is still practised and that domestic legislation does not prohibit its use within the family, the juvenile justice and alternative care systems and generally within the society. In this regard, the Committee recommends that the State party take all appropriate measures, including of a legislative nature, to prohibit corporal punishment within the family, the juvenile justice and alternative care systems and generally within the society. It further suggests that awareness-raising campaigns be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, especially article 28.2.

22. The Committee notes the establishment by the State party of a programme to encourage the reinforcement of the family environment and to strengthen parenting skills among both parents. The Committee remains concerned, however, at the high rate of abandonment of children, especially children born out of wedlock and children of poor families. In this regard, the Committee also expresses concern at the lack of adequate alternative care facilities and qualified personnel in this field. The Committee recommends that the State party increase its efforts to provide support, including training, for parents, to discourage the abandonment of children. It is also recommended that the State party develop additional programmes to facilitate alternative care, including foster care, provide additional training for social and welfare workers and establish independent complaint and monitoring mechanisms for alternative care institutions.

23. The Committee notes the efforts by the State party to provide protection to child victims. However, the lack of awareness and information on domestic violence, the ill-treatment and abuse of children, including sexual abuse - both within and outside the family - the lack of appropriate resources - both financial and human - and the lack of adequately trained personnel to prevent and combat abuse remain matters of concern. In the light of article 19, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and abuse, including sexual abuse, to understand the scope and nature of the phenomenon, in order to adopt adequate measures and policies and contribute to changing traditional attitudes. It also recommends that cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, be properly investigated within a child-friendly judicial procedure, that sanctions be applied to perpetrators and that publicity be given to decisions taken in such cases, due regard being given to protecting the right to privacy of the child. Measures should also be taken to ensure the provision of support services to children in legal proceedings, the physical and psychological recovery and social reintegration of victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention, and prevention of the criminalization and stigmatization of victims.

24. While the Committee notes the efforts of the State party to reduce the child and infant mortality rates, it is still concerned at the persistence of poor breastfeeding practices and the high rate of malnutrition. The Committee encourages the State party to develop comprehensive policies and programmes to promote and improve breastfeeding practices, to prevent and combat malnutrition, especially among vulnerable and disadvantaged groups of children, and consider seeking technical assistance for the integrated management of childhood illnesses and other measures for child health improvement from, inter alia, UNICEF and WHO.

25. The Committee is particularly concerned over the absence of data on adolescent health, including on teenage pregnancy, abortion, suicide, accidents, violence, substance abuse and HIV/AIDS. In this regard, the Committee recommends that the State party increase its efforts to promote adolescent health policies and strengthen reproductive health education and counselling services. The Committee further suggests that a comprehensive and multidisciplinary study be undertaken on adolescent health problems, including the special situation of children infected with, affected by or vulnerable to HIV/AIDS and sexually transmitted diseases. Additionally, it is recommended that the State party undertake further measures, including the allocation of adequate human and financial resources, to develop youth-friendly care and rehabilitation facilities for adolescents.

26. The Committee is concerned that the State party has not yet fully implemented the Rehabilitation of the Disabled Act of 1991. In this regard, the Committee also expresses its concern at the lack of adequate facilities and services for persons with disabilities, including children. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96), the Committee recommends that the State party develop early identification programmes to prevent

disabilities, implement alternatives to the institutionalization of children with disabilities, establish special education programmes for children with disabilities and encourage their inclusion in society. The Committee further recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities. International cooperation from, *inter alia*, UNICEF and WHO can be sought to this effect.

27. While the Committee notes the high rate of school enrolment, particularly at the primary level, and the recent initiative to establish additional schools in rural communities, it is still concerned that some children, particularly those living in poverty and in nomadic and hill tribe communities, do not have access to education. In the light of the recent economic constraints, the Committee is also concerned at the number of children, particularly girls, leaving school prematurely to engage in labour. The Committee recommends that all appropriate measures be taken to provide equal access to education for all children in Thailand. The Committee further recommends that the State party seek to implement additional measures to encourage children, particularly girls and children from poor and hill tribe families, to stay in school, and to discourage early employment.

28. The Committee notes the efforts of the State party to ensure protection and humanitarian assistance to displaced children. The Committee expresses its concern, however, that the legal framework for protection of unaccompanied and asylum seeking children remains unclear. It is also concerned at the situation of children deprived of their liberty placed in immigration detention centres, especially in view of the lengthy detention periods. The Committee recommends clarification of the State party's legislative framework to ensure adequate protection of unaccompanied and asylum seeking children, including in the field of physical safety, health and education. Procedures should also be established to facilitate family reunification. All appropriate measures should be taken by the State party to avoid the placement of asylum seeking children in immigration detention centres. The State party may consider seeking assistance from UNHCR in this regard. The Committee also suggests that the State party consider ratifying the 1951 Convention relating to the Status of Refugees and its 1966 Protocol, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

29. While welcoming the recent adoption of the Labour Protection Act of 1998, in which the minimum legal age for access to work has been increased from 13 to 15 years, the Committee remains concerned at the high rate of economic exploitation, as well as at the increasing number of children leaving school, sometimes at an early age, to work to support themselves and their families. In this regard, the Committee encourages the State party to introduce monitoring mechanisms to ensure enforcement of labour laws. The Committee also suggests that the State party consider ratifying ILO Convention No. 138 concerning the minimum age for admission to employment.

30. The Committee expresses concern at the continuing high rate of sexual abuse of children, including child prostitution and trafficking and sale of

children, which affects both girls and boys. In this regard, the Committee recommends that measures be taken, on an urgent basis, to strengthen law enforcement and to implement the State party's national programme of prevention. Further, the State party should seek to step up its efforts to implement an awareness-raising campaign and a thorough monitoring system at the community level. Rehabilitation within, as well as outside of, institutions should be further enhanced. In an effort to combat effectively intercountry trafficking and sale of children, the Committee suggests that the State party increase its efforts in the area of bilateral and regional agreements with neighbouring countries to facilitate the repatriation of trafficked children and encourage their rehabilitation, including within the framework of the regional Mekong Conference on Migration. The Committee urges the State party to continue implementing the recommendations formulated in the Agenda for Action adopted at the 1996 Stockholm World Congress against Commercial Sexual Exploitation of Children. It also recommends that the State party envisage ratifying the 1949 Convention for Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

31. While the Committee notes that the State party has enacted legislation relating to the establishment of juvenile courts, it is still concerned at the general situation with regard to the administration of juvenile justice and in particular its compatibility with the Convention, as well as other relevant United Nations standards. The Committee is particularly concerned that the juvenile justice system is not implemented throughout the State party. The Committee is also concerned at reported cases of ill-treatment of children by law enforcement personnel. The Committee recommends that the State party consider taking additional steps to reform the system of juvenile justice in the spirit of the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to considering deprivation of liberty only as a measure of last resort and for the shortest possible period of time, to protecting the rights of children deprived of their liberty and to expanding the juvenile justice system to ensure full coverage throughout the State party. Training programmes on relevant international standards should be organized for all professionals involved with the system of juvenile justice. The Committee also recommends that the State party consider ratifying the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment. The Committee suggests that the State party consider seeking technical assistance from, *inter alia*, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice in Juvenile Justice.

32. The Committee notes the recommendations proposed by the State party in its initial report regarding the implementation of the Convention. The Committee encourages the State party to implement the proposed recommendations.

33. Lastly, the Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that consideration be given to publishing the report, along with the relevant summary records and the present concluding observations of the Committee. Such a document should be widely distributed in order to generate debate on and awareness of the Convention and its implementation and monitoring within the Government and the general public, including non-governmental organizations.
